

**JS-6**

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

UNIVERSITY PARK, LLC, a California  
Limited Liability Company

Plaintiff,

v.

TOLL BROTHERS, INC., a  
Pennsylvania Corporation,

Defendant.

TOLL BROS. INC., a Pennsylvania  
Corporation

Cross-complainant,

v.

UNIVERSITY PARK, LLC, a California  
Limited Liability Company, et. al.,

Cross-defendants.

UNIVERSITY PARK, LLC, a California  
Limited Liability Company, et. al,

Cross-claimants,

v.

SOILS SOUTHWEST, INC., a California  
corporation, et. al.,

Cross-defendants.

TRANSTECH ENGINEERS, INC., a  
California Corporation,

Cross-complainant,

v.

UNIVERSITY PARK, LLC, a California  
LLC, et. al.,

Cross-defendants.

CASE NO. EDCV 08-00894 WHS(OPx)

**ORDER REMANDING CASE TO  
STATE COURT**

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3 SOILS SOUTHWEST, INC., a California  
4 corporation, et. al.,

5 Cross-complainants,

6 v.

7 UNIVERSITY PARK, LLC, a California  
8 LLC, et. al.,

9 Cross-defendants.

10 MESA CONTRACTING CORP., a  
11 California Corporation,

12 Cross-claimant,

13 v.

14 TRANSTECH ENGINEERS, INC., a  
15 California Corporation, et. al.,

16 Cross-defendants.

17 MCKENNA GENERAL  
18 ENGINEERING, INC.,

19 Cross-claimant,

20 v.

21 SOILS SOUTHWEST, INC., a California  
22 Corporation, et. al.,

23 Cross-defendants.  
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1           GOOD CAUSE APPEARING THEREFORE, IT IS ORDERED:

2           **A.**     This case shall be remanded to State court (San Bernardino County  
3 Superior Court) pursuant to 28 USC § 1367 (c) and/or USC § 1447(e) forthwith.

4           **B.**     The current stipulation between the parties regarding depositions  
5 shall remain intact after remand (depositions of witnesses will be initially limited to two  
6 consecutive days; if any party feels additional time is necessary, a request will be made  
7 of the defending party; if that is declined, the requesting party is free to seek a court  
8 order for additional time).

9           **C.**     The parties will request that the State court set the trial date for July  
10 19, 2010, or as soon thereafter as is convenient for the court.

11          **D.**     Discovery will continue pending remand and final transfer of the case  
12 file to State court. Discovery will proceed in accordance with State court rules. All  
13 discovery that has occurred to date, or that is currently pending pursuant to the Federal  
14 Rules of Civil Procedure, shall remain valid and shall not require any amendment to  
15 conform to State procedural rules following entry of the remand order. The parties agree  
16 that Judge Kennedy of JAMS shall act as an interim discovery referee to resolve any  
17 discovery disputes prior to the time that this case is assigned to a State court judge; if  
18 Judge Kennedy is not available, the parties will select an alternate referee. All referee  
19 fees will be borne by the losing party.

20          **E.**     Expert designation will be in accordance with Code of Civil  
21 Procedure 2034, however, the parties will deliver an electronic copy of all expert files  
22 (and any reports) on CD or DVD to all counsel. The delivery shall occur ten (10) days  
23 prior to the expert's deposition.

24          **F.**     The parties shall mediate the case before Judge Sundvold of JAMS  
25 during the week of March 15, 2010 or, if Judge Sundvold is not then available, as soon  
26 thereafter as is convenient for the mediator. Insurance adjustors shall be required to  
27 attend the mediation. Expert attendance is encouraged, but not required.

28          **G.**     Service of any document may be made by e-mail, which shall

1 constitute personal service on the date of transmittal if made under the following  
2 conditions:

- 3 **i.** Transmission must be made by 5:00 p.m. Pacific time.
- 4 **ii.** Documents will be as attachments and in PDF format.
- 5 **iii.** PDF files will be limited to 20mb in size.
- 6 **iv.** Exhibits will be designated as separate documents.
- 7 **v.** A party serving by e-mail shall not be required to serve paper  
8 copies of documents.
- 9 **vi.** Parties may sign the documents with a signature block with the  
10 name of the signatory accompanied by “/s/”.
- 11 **vii.** Each party shall serve a Notice of E-Mail Service Recipients  
12 identifying the persons to whom e-mail service shall be made.  
13 Any party, at any time, may serve an Amended Notice of E-  
14 Mail Service Recipients as necessary. The parties shall be  
15 obligated to serve via e-mail every person designated in any  
16 such notice.
- 17 **viii.** After service by e-mail, the serving party shall send another  
18 email party to all counsel served, stating that service of a  
19 document was effectuated. In the event that any counsel  
20 served claims that the e-mail service copy was not received,  
21 the serving party shall either fax the served document within  
22 24 hours or deliver it by overnight delivery to the counsel who  
23 claims not to have received the e-mail service.



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